

TIMOTHY M. BURGESS  
United States Attorney

KAREN L. LOEFFLER  
JAMES BARKELEY  
Assistant U.S. Attorneys  
Federal Building & U.S. Courthouse  
222 W. 7th Avenue, #9, Room 253  
Anchorage, AK 99513-7567  
(907) 271-5071

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	No. A05-066-03 CR (RRB)
	)	
Plaintiff,	)	<b><u>PRELIMINARY ORDER OF</u></b>
	)	<b><u>FORFEITURE</u></b>
v.	)	
	)	
JUAN JOSE CARDENAS-AGUAYO,	)	
	)	
Defendant.	)	
_____	)	

Pursuant to Federal Rule of Criminal Procedure 32.2(b) and based upon defendant JUAN JOSE CARDENAS-AGUAYO's December 5, 2005 guilty pleas to Counts 1 and 2 of the Indictment, and the Court's acceptance of the defendant's guilty pleas, the Court found that the defendant's interest, if any, in the approximately \$35,822.00 IN UNITED STATES CURRENCY, and one BERETTA 92FS 9MM SEMI-AUTOMATIC HANDGUN, SERIAL NO. 161426, and one TAURUS 9MM SEMI-AUTOMATIC HANDGUN, SERIAL NO. PT92AF, described in Count 2 of the Indictment, is property constituting, or derived from, any proceeds the defendant obtained, directly or indirectly, as the result of such violation of

21 U.S.C. §§ 841 and 846, to which the defendant has pled guilty and been convicted, and property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, such violation, thereby rendering said currency and firearms subject to forfeiture under 21 U.S.C. § 853(a)(1) and (2);

THEREFORE, IT IS HEREBY ORDERED, ADJUDGED and DECREED as follows:

The currency described in Count 2 of the Indictment is hereby condemned and forfeited to the United States of America pursuant to 21 U.S.C. § 853, and the defendant shall forthwith forfeit all his right, title and interest, if any, that he has in said currency.

The firearms described in Count 2 of the Indictment are hereby condemned and forfeited to the United States of America pursuant to 21 U.S.C. § 853, and the defendant shall forthwith forfeit all his right, title and interest, if any, that he has in said firearms.

Pursuant to Federal Rule of Criminal Procedure 32.2(b)(3), the United States Marshals Service is authorized to seize and take possession of the aforementioned currency and firearms and hold such in its secure custody and control until further order of this Court, may conduct any discovery the Court considers proper in identifying, locating, or disposing of said currency and firearms; and to commence proceedings that comply with any statutes governing third-party rights.

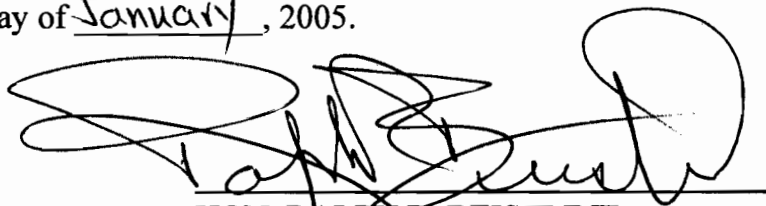
Pursuant to 21 U.S.C. § 853(n), the United States Marshals Service shall publish notice of this Preliminary Order of Forfeiture and of the United States' intent to dispose of the currency and firearms in such manner as the Attorney General may direct. The notice

shall be published once in each of three consecutive weeks in the Anchorage Daily News or any other appropriate newspaper of general circulation. The notice shall state that any person, other than the defendant, having or claiming a legal interest in any of the above-listed forfeited property must file a petition with the Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.

The notice shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the forfeited property. The petition shall also set forth any additional facts supporting the petitioner's claim and the relief sought.

The United States may also, to the extent practicable, provide direct written notice as substitute for published notice to any person known to have alleged an interest in the currency or firearms that are the subject of this Preliminary Order of Forfeiture. Upon adjudication of all third-party interests, this Court shall enter a final order of forfeiture in which all interests will be addressed.

DATED this 27 day of January, 2005.

A handwritten signature in black ink, appearing to read 'Ralph R. Beistline', is written over a horizontal line. The signature is stylized with large loops and flourishes.

HON. RALPH R. BEISTLINE  
United States District Judge